

species or identify which species are alleged to be patentably distinct. Additionally, the Office Action states that “if Group I is elected a *specific* imaging modality must be elected” (emphasis added). The claims, however, are directed to compositions and methods for enhancing images from *more than one* medical diagnostic imaging modality generally. Claim 15, which depends from claim 14 and is directed to the imaging modalities including ultrasound, magnetic resonance and computed tomography, is the only claim that presents any specific imaging modalities.

Applicants respectfully traverse the species requirement because the claims do not recite a multiplicity of species and will not require an unduly extensive and burdensome search. Applicants also traverse the species requirement to the extent it imposes a requirement on Applicants to present amended subject matter different from Applicants' invention.

To provide a complete response, and based on their understanding of the species requirement, Applicants make the following election of species with traverse. With respect to the particles of the composition, Applicants elect gadolinium and gadolinium compounds, as recited in claim 2. With respect to the microsphere shell of the composition, Applicants elect microsphere shells that include a protein substance, as recited in claim 7. With respect to the modalities, Applicants elect ultrasound, magnetic resonance and computed tomography, as recited in claim 15. Applicants believe that claims 1-8 and 14-15 read on (are generic to) the elected species.

Reconsideration of the species requirement is respectfully requested. Should the Examiner believe that a telephonic or personal interview would expedite prosecution of

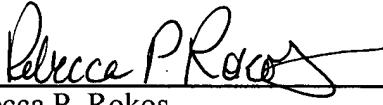
the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted

BANNER & WITCOFF, LTD.

Dated: June 6, 2003

By:

  
Rebecca P. Rokos  
Registration No. 42,109

Banner & Witcoff, Ltd.  
10 S. Wacker Drive, Suite 3000  
Chicago, Illinois 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001